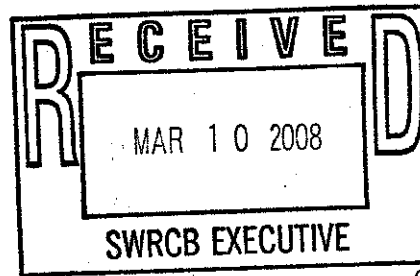


March 10, 2008



Ms. Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 "I" Street, 24th Floor
Sacramento, CA 95814

OFFICE OF THE CITY MANAGER
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Post Office Box 1678
Santa Rosa, CA 95402-1678
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Sent via email to: commentletters@waterboards.ca.gov

Subject: Comment Letter – Water Recycling Policy (February 15, 2008 Draft)

Dear Madame Clerk:

The City of Santa Rosa (City) appreciates the opportunity to provide these comments on the State Board's February 15, 2008 draft "Recycled Water Policy" (Policy). As we have noted in previous correspondence regarding this Policy, the City has invested over \$350 million in its integrated water recycling program over the past two decades. The City currently recycles 95 percent of the high-quality recycled water we produce and is considering further monetary investments (nearly \$150 million) to enhance and expand this program. For these reasons, the Recycled Water Policy is vitally important to the City and more than 200,000 people that we serve.

The City appreciates the State Board's effort in trying to develop a statewide policy for water recycling that will provide the necessary impetus for recycled water producers and users to expand recycled water re-use. At a time when Californians across the state are being asked to conserve more potable water, it is imperative to recognize that recycled water provides great opportunities for meeting agriculture, urban and environmental water needs. Now more than ever, strong leadership by State Board Members is crucial to achieving the water recycling goals of the Legislature.

While acknowledging the State Board's efforts to develop a reasonable and acceptable Recycled Water Policy, we must regrettably and respectfully request the State Board not adopt the current draft of the Policy, issued February 15. There are a number of specific and serious flaws in the current version of the Policy, as more fully detailed in letters you have received from WaterReuse and the California Association of Sanitation Agencies. In sum, the City of Santa Rosa cannot support the current draft of the Policy because it does not sufficiently address the regulatory reforms needed to promote more aggressive water recycling throughout the State.

On a separate note, this City is disappointed that the current draft of the Policy will not address the issue of "incidental runoff" of recycled water at agriculture and urban re-use sites. In prior written comments on previous iterations of the draft Policy, Santa Rosa argued that ample regulatory authority exists to address potential impacts associated with this incidental runoff, and has requested that the Recycled Water Policy make appropriate provisions therefore. We note from the February 15 State Board Staff

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Report for the Policy that staff continues to disagree with the City's position, and that the State Board "plans to address incidental runoff in a different process, most likely through the development of a statewide general NPDES permit for discharges of incidental runoff of recycled water." (Draft Staff Report at p. 2.)¹

While we continue to disagree that such an approach is legally required, the City nonetheless respects the authority and discretion of the State Board to make this decision. At the same time, if the State Board moves ahead with its current approach, we urge the State Board to direct staff to immediately begin the process of developing and adopting the anticipated General NPDES permit.

The uncertain and inconsistent treatment of incidental runoff throughout the Water Boards system is clearly one of the "numerous impediments to the use of recycled water" cited in Finding #2 of the Draft Recycled Water Policy. If the Policy itself is silent on this issue, it is imperative to producers and users of recycled water statewide that a reasonable General NPDES Permit be adopted as soon as possible. Without it, the City believes that the Legislative mandate of increasing production and use of recycled water statewide will remain unmet.

In sum, we ask that the State Board not adopt the February 15 draft Recycled Water Policy, but instead direct staff to convene a stakeholder group process that will, hopefully, result in a much more reasonable and progressive policy to encourage water recycling in California.

Yours truly,



GREG SCOLES
Deputy City Manager

cc: Jeff Kolin, City Manager
Board of Public Utilities
Craig Johns, California Resource Strategies

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¹ Whether mere oversight or otherwise, the staff's "Draft Response to Comments" issued just last Friday neglects to provide any insight for its conclusion regarding the need for a statewide General NPDES permit. Indeed, the Response offered to the City's comments on this issue is simply, "See response to Comment L.2." (Draft Response to Comments at p. 25.) In turn, the Response to Comment L.2 provides, "See response to Comment L.2." (*Ibid* at p. 26.) As such, the City - - as well as many other commenters - - have no way of knowing what staff's rationale is for rejecting our comments.